

**UNITED STATES DISTRICT COURT FOR THE UNITED STATES VIRGIN ISLANDS
BANKRUPTCY DIVISION**

IN RE:

GENERAL ORDER 2005 - 0006

**ELECTRONIC CASE FILING PROCEDURES APPLICABLE TO ALL BANKRUPTCY
CASES FILED IN THE VIRGIN ISLANDS**

WHEREAS the Court has determined that there is need for a standard set of procedures to implement the electronic case filing process in the Bankruptcy Division of this Court:

NOW THEREFORE, this 17th of January, 2006, it is **ORDERED** that the Court adopts the following procedures to govern electronic filings in the Bankruptcy Division of the United States District Court for the U.S. Virgin Islands:

Procedure #1	Scope of Electronic Filing
Procedure #2	Eligibility, Registration, Passwords
Procedure #3	Consequences of Electronic Filing
Procedure #4	Entry of Court Orders
Procedure #5	Attachments and Exhibits
Procedure #6	Sealed Documents
Procedure #7	Retention Requirements
Procedure #8	Signatures
Procedure #9	Service of Documents by Electronic Means
Procedure #10	Notice of Court Orders and Judgments
Procedure #11	Technical Failures
Procedure #12	Public Access
Procedure #13	PDF Files with Full Search Capability
Procedure #14	CM/ECF Accounts for a Limited Purpose

ECF PROCEDURE #1 SCOPE OF ELECTRONIC FILING

These Procedures use the term “Electronic Filing System” or “ECF System” to refer to the Court’s system that receives documents filed in electronic form. The term “Filing User” is used to refer to those who have a Court-issued log-in and password to file documents electronically.

Except as otherwise provided by Order of Court, all cases and pleadings will be assigned to the Electronic Filing System. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings

and documents required to be filed with the Court in connection with a case assigned to the Electronic Filing System must be electronically filed.

A paper copy of a motion for expedited hearing or an application for a temporary restraining order and any response shall be delivered to chambers. The front page of the pleading shall note that it is a courtesy copy. The filing party may call chambers to arrange for alternative transmission of the document.

In Chapter 7 cases, a paper copy of the voluntary bankruptcy petition, schedules and statements must be delivered by debtor's attorney to the Chapter 7 trustee no more than five (5) business days after the documents are electronically filed with the Court.

Attorneys and others who are not Filing Users in the Electronic Filing System are required to electronically file pleadings and other papers in a case assigned to the System. Once registered, a Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's Office with written notice of the withdrawal.

The Clerk shall provide reasonable alternative access during regular business hours for those who are not Filing Users to allow such persons to file documents electronically.

ECF PROCEDURE #2 ELIGIBILITY, REGISTRATION, PASSWORDS

Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court's Electronic Filing System. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court.

If the Court in a particular case permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration as a Filing User constitutes, in any case in which the Filing User has entered an appearance: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rule of Bankruptcy Procedure 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the

Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

ECF PROCEDURE #3 CONSEQUENCES OF ELECTRONIC FILING

Once received, electronic transmission of a document to the Electronic Filing System consistent with these Rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Bankr.P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents filed first in paper form and subsequently submitted electronically under ECF Procedure #1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered, filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

ECF PROCEDURE #4 ENTRY OF COURT ORDERS

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these Procedures and the Local Rules, which will constitute entry on the docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9021. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a Judge's signature must attach an Order granting the relief requested to the document. Orders must be filed in compliance with the requirements specified by the Judge assigned the bankruptcy case or adversary proceeding. Any special requirements will be published on the Court's Website at each Judge's web page from time to time. Parties must check the website to be advised of special requirements.

ECF PROCEDURE #5 ATTACHMENTS AND EXHIBITS

Exhibits and other attachments to pleadings shall not exceed ten (10) pages in length. A summary not exceeding ten (10) pages may be filed for exhibits and attachments that are more than ten (10) pages in length. In lieu of the summary or in lieu of the entire document, a one-page Document and Loan History Abstract. A copy of the appropriate form is attached to this General Order. All abstracts, exhibits and exhibit summaries must be electronically filed, each as a separate attachment,

to the docket entry to which they refer.

Attachments shall be filed as separate PDF files. Attachments shall include the case name and number and a brief description of the main document to which it relates at the top of the first page of the attachment. If the first page of the attachment does not have enough space available to include the case name and number and a brief description of the main document, then a cover sheet listing that information must be filed as the front page of the attachment.

Exhibits attached to the following pleadings are not subject to the ten-page limitation: Application for Compensation and Reimbursement, Trustee's Final Report and Account, Plan of Reorganization, and Disclosure Statement.

The party filing a pleading containing a summary of an exhibit or the Document and Loan History Abstract shall have a paper copy of the entire document at any hearing that is reasonably expected to pertain to the pleading. The party filing a pleading containing a summary or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit. The copy may be provided in electronic format.

ECF PROCEDURE #6 SEALED DOCUMENTS

Documents ordered to be filed under seal must be filed as a paper document, not electronically, unless specifically authorized by the Court. A motion to file documents under seal should not contain confidential or privileged information and shall be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal shall be filed electronically unless prohibited by law. A paper copy of the order authorizing the filing of documents under seal must be attached to the documents under seal and be delivered to the Clerk.

In connection with the filing of any material in an action assigned to the Electronic Filing System, and subject to Procedures, Rules, Orders or statutes concerning the filing of documents under seal, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests. If the Court determines that access should be limited to certain matters, the Order (or a Notice thereof) shall be filed electronically.

ECF PROCEDURE #7 PAPER RETENTION REQUIREMENTS

Documents that are electronically filed and require original signatures other than that of the Filing User, such as the debtor, corporate officers, etc., must be maintained in paper form by the Filing User for six (6) years from the date of filing. Failure to maintain documents for the specified period shall subject the Filing User to sanctions including, without limitation, disgorgement of fees. On request of the Court, the Filing User must provide original documents for review.

This requirement also applies to any document for which statute, rule, or Court order requires an original signature. The signature of the debtor(s) authorizing the electronic filing of the bankruptcy

case shall be accomplished by filing an original executed paper version of the Declaration Re: Electronic Filing, Local Form No. 1 or 1 A, (as applicable) within fifteen (15) days of the electronic filing of the petition. A copy of Local Form No. 1 and Local Form No. 1 A are attached to this General Order. Both debtors must sign the authorization when a joint petition is filed.

The attorney representing the debtor must notify the Court forthwith if the debtor(s) fails to sign the declaration. The case shall be dismissed without prejudice when the Court is notified that the debtor has failed to sign the affidavit or when the affidavit is not filed within fifteen (15) days of the date the petition is filed.

ECF PROCEDURE #8 SIGNATURES

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

Electronically filed documents must comply with Fed.R.Bankr.P. 9011 and set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Failure to comply with these requirements may result in the Court striking the unsigned document from the record.

No Filing User or other entity may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

The document bearing all the necessary signatures: (1) may be scanned; (2) may be filed in a PDF format provided that the filing user certifies that all parties whose signatures are required have consented to the document and endorsed the filing; or (3) in any other manner approved by the Court. The filing party must check the Judge's procedures on the Court's Website in order to determine if the Judge assigned to the case has specific instructions for filing a document of this nature.

An attorney's password and login may be revoked by the Court.

ECF PROCEDURE #9 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

A. Requirement of Service of Notice that Pleading Has Been Filed: Each entity electronically filing a pleading or other document must serve all parties in interest with the Notice of Electronic Filing issued to the Filing User by the ECF system.

B. Electronic Notice of Filing: Electronic transmission of the Notice of Electronic Filing constitutes service of the filed document and notice that it has been filed.

C. Service by Other Means: The Filing User must serve parties in interest who have not received an electronic copy of the Notice of Electronic Filing in accordance with the Federal Rules of Bankruptcy Procedure. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

ECF PROCEDURE #10 NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The Clerk or such other person as the Court or Rules may direct must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

ECF PROCEDURE #11 TECHNICAL FAILURES

A. A Filing User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the Court.

B. Confirmation that ECF System is Inaccessible: If a Filing User is unable to access the ECF System due to technical inaccessibility resulting from a technical failure of the ECF system itself or the Court's server, the filing party must:

1. First obtain confirmation from the Clerk's Office that the ECF system is inaccessible.
2. Then contact the Courtroom Deputy of the Judge to whom the case is assigned and state the reason why an immediate filing is necessary. The Courtroom Deputy will advise the filing party whether filing should be made by other means.

ECF PROCEDURE #12 PUBLIC ACCESS

Any person or organization may access the Electronic Filing System through the Court's Internet site <https://ecf.vib.uscourts.gov> by obtaining a PACER log-in and password. Anyone who has PACER access but who is not registered as a Filing User under these Procedures may retrieve docket sheets and documents but may not file documents.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

ECF PROCEDURE #13 PDF FILES WITH FULL TEXT SEARCH CAPABILITY

All documents filed electronically using the Court's Case Management/Electronic Case Filing System (CM/ECF) must be filed in a Portable Document Format (PDF). Documents must be filed in a format that allows the Court to perform a full text search, except that documents received by the filing party from an outside source may be scanned into a PDF format and filed as a document that will not be fully text searchable.

ECF PROCEDURE #14 CM/ECF ACCOUNTS FOR A LIMITED PURPOSE

A password may be issued for the limited purpose of filing proofs of claim, notice requests, withdrawal of claims, transfers of claims, and/or objections to transfer of claim on CM/ECF (a "limited password"). However, to be eligible for a limited password the applicant must be registered as a CM/ECF participant in another district or attend CM/ECF training provided by the Clerk. Parties who are not attorneys may receive a limited password.

A party's use of the limited password for filing proofs of claim, notice requests, withdrawal of claims, transfers of claims, and/or objections to transfer of claim (the "Limited Filing User") on CM/ECF constitutes the Limited Filing Users signature on any document filed electronically. All documents filed by the Limited Filing User and all documents bearing the imaged signature of any signer on whose behalf the documents are filed must be maintained in accordance with ECF Procedure #7. Limited Filing Users may only file documents signed by the Limited Filing User or a member of the firm employing the Limited Filing User (the "Firm").

The Limited Filing User and a representative of the Firm must complete a Limited Filing User Registration Form and Agreement (available on the Court's website) in order to receive a limited password. A copy of the Registration Form and Agreement is attached to this General Order. The Limited Filing User must complete an evaluation with the Clerk prior to obtaining a login and password to CM/ECF. The Firm is responsible for electronic filings made by the Limited Filing User. The types of documents that may be filed by the Limited Filing User are listed on the Registration Form and Agreement. Limited Filing Users must check the Court's website for the most recent version of the Form.

Except as otherwise specified in this Procedure, a Limited Filing User and his Firm must follow the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, Local Rules, forms, and Procedures promulgated by the United States District Court for the U.S. Virgin Islands, Bankruptcy Division, when filing electronically.

When filing a proof of claim, the Limited Filing User must add the correct mailing address to the creditor matrix if the current address is incorrect.

A transfer of a claim for which a proof of claim has been filed shall state the claim number, as shown in the Claims Register, for the transferred claim. A transfer of claim shall be filed in accordance with the Clerk's Procedures. If a proof of claim has not been filed by the transferor, please note that on the transfer of claim.

The Limited Filing User shall file documents on behalf of a third party only with the express written authorization of the entity on whose behalf the document is being filed. A copy of the written authorization must be produced upon request of the Court.

When the Limited Filing User signs the document, the name of the Limited User under whose log-in and password the document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear on a document. The Limited Filing User must comply with the signature requirements of ECF Procedure #8.

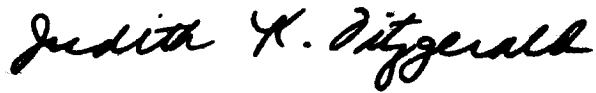
By using the limited login and password, the Limited Filing User is certifying that: (A) the Limited Filing User is authorized to file the document(s) on behalf of the Firm; (B) the Firm is the same entity stated on the Limited Filing User’s application to use CM/ECF; (C) the Firm has the authority to file documents as an agent when filing documents on behalf of an entity other than the Firm.

The Limited Filing User and a representative of the Firm must notify the Clerk immediately when the Limited Filing User is no longer an employee of the Firm, ceases being an agent of the Firm, or no longer has authority to file documents on the Firm’s behalf.

The Limited Filing User and Firm must provide two additional contacts (name, address, email address, telephone and facsimile numbers) in the event the Limited Filing User is not available to communicate with the Clerk on filing issues.

The Limited Filing User shall not receive electronic notification of documents and docket activity.

The Clerk may terminate the Limited Filing User’s login and password without prior notice when the Clerk deems such action necessary.



Judith K. Fitzgerald, U.S. Bankruptcy Judge



Bernard Markovitz, U.S. Bankruptcy Judge